

REMARKS

Applicants have thoroughly considered the Examiner's remarks in the June 29, 2007 Office action and have amended the application to more clearly set forth aspects of the invention. This Amendment A amends claims 1, 7 and 11-21; cancels claim 22; and adds claim 23. No new matter has been added.

Claims 1-21 and 23 are thus presented in the application for further examination. Reconsideration of the application as amended and in view of the following remarks is respectfully requested.

Information Disclosure Statement

Applicants request that the Examiner consider information disclosure statement filed November 21, 2003. According to 37 C.F.R. §1.97(b)(1), the Office shall consider an information disclosure statement (IDS) if it is filed within three months of the application's filing date. In the instant application, Applicants filed the Information Disclosure Statement contemporaneously with the application on November 21, 2003. For convenience, attached is a copy of information disclosure statement filed November 21, 2003.

Objections to the Drawings

The Examiner objects to FIG. 2 for displaying device 216 outside of the wireless network 218 which is contrary to what the specification recites in paragraph [0025]. Applicants have amended paragraph [0025] of the specification to recite:

The Exchange server 202 communicates with devices 204, 206 on a wired network 208 and devices 210-214216 in range of wireless network 218. As shown in FIG. 2, mobile device 216 is not in range of network 218.

As amended, the specification accurately describes the embodiment of the invention illustrated in FIG. 2. Thus, Applicants request the objection be withdrawn and that the Examiner now indicate acceptance of the drawings as originally filed.

Objections to the Specification

With respect to the title, Applicants have amended the title as suggested by the Examiner. Thus, the objection should be withdrawn.

With respect to paragraph [0022], Applicants have amended the paragraph to recite "It should be noted that the power source 120 might further include an external power source that overrides or recharges the built-in batteries/fuel cell, such as an AC adapter or a powered docking cradle for connection to a **power outlet**." Thus, the objection should be withdrawn.

With respect to paragraph [0025], Applicants have amended the paragraph to recite "The Exchange server 202 communicates with devices 204, 206 on a wired network 208 and devices **210-214 in range of wireless network 218**." Thus, the objection should be withdrawn.

With respect to paragraph [0031], Applicants have amended the paragraph to recite "Once the device 216 syncs with the server as represented by line 412, the **air** sync protocol updates the syncGUID to the device/user configuration file as represented by line 414." Thus, the objection should be withdrawn.

Claim Objections

Claim 22 stands objected to under 37 CFR § 1.75 as being a substantial duplicate of claim 20. Claim 22 has been canceled, thus the objection should be withdrawn.

Claim Rejections Under 35 U.S.C. § 101

Claims 11-22 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. In further advancing the prosecution of the application, Applicants have amended claims 11-21 by reciting "computer readable **storage** medium." (See also paragraph [0019] of the Specification). Applicants submit the amended claims fall within the statutory subject matter. Furthermore, amended claims 11-22 recite functional language that further clarify embodiments of the invention. For example, claim 11 recites "**receiving** notification that an event of interest has been received" and "**sending** the sync notification to the client device." Therefore, the rejection of claims 11-22 under 35 U.S.C. §101 should be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub. No. 2002/0095454 to Reed et al. (Reed) in view of U.S. Pub No. 200/20071436 to Border et al. (Border) and further in view of U.S. Pub No. 2005/0086306 to Lemke (Lemke).

Reed teaches a system for transferring data, metadata and methods from a provider computer to a consumer computer through a communications network. (Abstract). Furthermore, Reed teaches that "**an entire object**" or "**changed portions of the updated object**" is provided to the consumer program each time any changes are made to the object. (Reed, page 21, paragraph [0205]). Additionally, a notification regarding the object is sent to the user according to his/her preferences. (Reed, page 21, paragraph [0207]). Examples of notification preferences include "having the object displayed immediately, to receive an e-mail about the new object, to include a message about the new object in the user's notification report (including its size, methods, update intervals, etc.), or any other notification action or combination of actions. (Reed, page 21, paragraph [0207]). For example, the user may wish to have an object displayed immediately if the user manually selected it as a HTTP request from a Web site, but not if it was an object update retrieved automatically via a Web HTTP polling request by the consumer program 22, or if it arrived via e-mail. (Reed, page 21, paragraph [0207]). Also, "different actions may also be taken based upon attributes or methods of the communications object itself, or a comparison between these and with the existing objects in the consumer database 21". (Reed, page 21, paragraph [0207]). For instance, the consumer may wish to immediately display new objects from selected providers whose system ID is already present, but only have notification in the notification report of new objects from any other provider system ID. (Reed, page 21, paragraph [0207]).

Border discloses a system for a proxy architecture. (Border, abstract). As part of the system, Border teaches that an expiration time of a timer to be equal to the timeout value of the time plus the current system time. (Border, page 22, paragraph [0240]). Additionally, Border teaches that on the expiration of the timer, the system makes a check for TCP connection timeouts. (Border, page 22, paragraph [0240]).

Lemke discloses a system for managing the transfer of messages of a network via background delivery. (Lemke, abstract). Lemke teaches setting composite bandwidth values within an interval. (Lemke, page 8, paragraph [0121]).

Claims 1-10 and 23

In contrast, claim 1 as amended recites a method to provide a sync notification to a client device comprising the steps of:

receiving notification that an event of interest has been received;

determining a state of the client device, said state indicating whether or not the device has outstanding sync notifications, said state being determined based on a trackingGUID and a syncGUID; and

if the state of the client device indicates that the client device has no outstanding sync notifications:

setting the trackingGUID equal to the syncGUID, wherein the syncGUID is updated after each successful device synchronization of the client device;

setting a timeout equal to a current time plus a predetermined value, said timeout being **the maximum time between sync notifications** if the state of the client device indicates the client device has at least one outstanding sync notification; and

sending the sync notification to the client device; and
not sending the sync notification to the client device if the state of the client device indicates that **the client device has at least one outstanding sync notifications.**

The amendments to the claim are supported in paragraphs 27-30 of the present application. For example, the device is up-to-date when, to the server's knowledge, the device is completely in sync with the server with the possible exception of the event which just triggered a sync notification. (Specification, [0027]). The device is pending synchronization when a sync notification has been sent to the device telling it to sync with the server, but the device has not yet performed synchronization. (Specification, [0027]). The syncGUID for a device is updated after each successful device synchronization with the server. (Specification, [0027]). And, the syncGUID is used to designate a parameter that **provides a representation of the state of the device** and it provides an indication of whether an event of interest renders the device no longer

up to date from the perspective of the server or whether an event of interest occurs and the server has not been contacted by the device for a certain period of time. (Specification, [0027]).

Additionally, the server maintains a memory table of "last-known" syncGUIDs for each device, which is called a trackingGUID. (Specification, [0028]). If the syncGUID matches the trackingGUID for a given device, it can be concluded that the device has not performed a synchronization since the last event/notification was processed. (Specification, [0028]). This means that the **device is in the pending synchronization state**. (Specification, [0028]). If the GUIDs don't match, we conclude that the device has performed a sync since the last event/notification was processed, indicating that it is in the up-to-date state prior to the event that just triggered the notification. (Specification, [0028]). And, if the trackingGUID is not equal to the syncGUID (indicating the device has performed a sync since the last event/notification was processed and that it is in the **up-to-date state prior** to the event that just triggered the notification), (1) the trackingGUID is set equal to the syncGUID; (2) the timeout value is set; and (3) the sync notification is sent to the device. (Specification, [0029]).

Advantageously, the client devices will not receive multiple notifications between synchronization. This results in increased performance and decreased cost by decreasing the amount of data transferred to a device. And, unlike the system disclosed by Reed, the user does not have to decide on a frequency of notification. Thus, the user avoids the problem of having to choose between not receiving a notification as soon as a change occurs after synchronization and receiving a notification every time a change occurs.

Neither Reed, Border or Lemke, alone or in combination, discloses or makes obvious **determining a state of the client device, said state indicating whether or not the device has outstanding sync notifications** as recited in claim 1. Writing for the Supreme Court, Justice Anthony Kennedy observed that a patent claim is invalid for obviousness when the invention combines familiar elements according to known methods to produce no more than predictable results. *KSR International Co. v. Teleflex, Inc.* U.S., No. 04-1350, 4/30/07. However, in this rejection, neither the **element of determining a state of the client device nor the result of sending the sync notification to the client device, if the state of the client device indicates that the client device has no outstanding sync notifications and not sending the sync notification to the client device if the state of the client device indicates that the client device has at least one outstanding sync notifications** is not found in the combined art.

For at least these reasons, Applicants submit that cited reference, alone or in combination, does not teach or make obvious each and every element of claim 1. As such, the rejection of claim 1 should be removed. Additionally, claims 2-10 depending from claim 1 are allowable for at least the same reasons as claim 1.

Claim 23 includes subject matter similar to claim 1 and is allowable for at least the same reasons as claim 1.

Claim 11-22

Claims 11-13 and 17-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub. No. 2002/0095454 to Reed et al. (Reed) in view of U.S. Pub No. 2005/0086306 to Lemke (Lemke).

Claim 11 has been amended similarly to claim 1 and is allowable for at least the same reasons as claim 1. Additionally, claims 12-21 depending from claim 11 are allowable for at least the same reasons as claim 11.

Claims 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub. No. 2002/0095454 to Reed et al. (Reed) in view of U.S. Pub No. 2005/0086306 to Lemke (Lemke) and further in view of U.S. Pub No. 200/20071436 to Border et al. (Border).

Claims 14-16 depending from claim 11 are allowable for at least the same reasons as claim 11.

Conclusion

Applicants submit that the claims are allowable for at least the reasons set forth herein. Applicants thus respectfully submit that claims as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and

encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

/Robert M. Bain/

Robert M. Bain, Reg. No. 36,736
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

RMB/BAW/cjl